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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CORBIS CORPORATION, a Washington  
corporation,

Plaintiff,

v.

PARKCREST DENTAL GROUP, a Missouri  
corporation,

Defendant.

CV05 • 1436

COMPLAINT FOR  
DAMAGES AND  
INJUNCTIVE RELIEF



05-CV-01436-CMP

COMES NOW plaintiff Corbis Corporation, by and through its attorneys Dan J.  
Donlan and Lane Powell PC, and alleges as follows:

PARTIES

1. Plaintiff Corbis Corporation ("Corbis") is a Washington corporation with its  
principal place of business at 710 Second Avenue, Suite 200, Seattle, King County,  
Washington.

2. Upon information and belief, defendant Parkcrest Dental Group is a Missouri  
corporation with its principal place of business at 540 West LaSalle, Springfield, Missouri.

COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF - 1  
Case No.  
118232.0064/1225469.1

ORIGINAL

LANE POWELL PC  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
(206) 223-7000

**JURISDICTION AND VENUE**

3. This is a civil action seeking damages and injunctive relief for copyright infringement, and DMCA violations.

4. Jurisdiction by the Court over this action is proper pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338 (copyright) in that this case involves claims brought under federal copyright law, 17 U.S.C. § 101 *et seq.* Additionally, this Court has diversity jurisdiction over the matter pursuant to 28 U.S.C. § 1332, in that the matter in controversy exceeds \$75,000 exclusive of interests and costs, and is between citizens of different states.

5. Venue in the Federal District Court for the Western District of Washington is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and (3).

**BACKGROUND**

6. Plaintiff Corbis is in the business of licensing photographs and fine art images on behalf of itself and the photographers it represents. Generally, the images in Corbis' collection were taken by professional photographers who earn most or all of their livelihoods from the licensing fees Corbis is able to obtain for their images. Many of the images in Corbis' collection are produced by well-known photographers, and include some of the most recognized images in contemporary society.

7. The images in Corbis' collection are the subject of copyright protection under the laws of the United States, and at considerable expense and effort, Corbis has protected images in its collection by systematically registering the copyrights to the images.

8. Corbis owns and operates a website located at the Internet address [www.corbis.com](http://www.corbis.com). At Corbis' website, professional and consumer users are able to search hundreds of thousands of images from Corbis' collection and then pay to license the images for personal or commercial use. Visitors to the [www.corbis.com](http://www.corbis.com) site interact with and obtain

1 Corbis images from servers that are located in Seattle, Washington. The www.corbis.com  
2 site also prominently displays that Corbis' headquarters are in Seattle, Washington.

3 9. Upon information and belief defendant Parkcrest Dental Group is a dental  
4 practice organized under the laws of the State of Missouri. At all times relevant hereto,  
5 Parkcrest Dental Group owned and operated a website located at the Internet address  
6 www.parkcrestdental.com.

7 10. Upon information and belief, on an as yet unknown date, Parkcrest Dental  
8 Group or its agent visited Corbis' website, and without authorization, downloaded or copied  
9 several Corbis images that had previously been registered with the United States Copyright  
10 Office. Then Parkcrest Dental Group uploaded these same images to its  
11 www.parkcrestdental.com website for display on its website.

12 11. Attached hereto as Exhibit A are true and correct copies of screen shots taken  
13 from the www.parkcrestdental.com website depicting certain infringing images displayed on  
14 that website.

15 12. At all relevant times hereto, defendant Parkcrest Dental Group displayed these  
16 Corbis' copyrighted images on its website without license or other authorization.

17 13. Attached hereto as Exhibit B is a spreadsheet identifying the United States  
18 Copyright Office registration certificate numbers for the images displayed on Exhibit A,  
19 which evidences that Corbis owns or controls the registered copyrights to the images that  
20 were displayed on the www.parkcrestdental.com website.

21 14. The defendants' unauthorized use of copyright protected images has caused  
22 Corbis to suffer damages in Washington.

23 **FIRST CAUSE OF ACTION – COPYRIGHT INFRINGEMENT**

24 15. Plaintiff Corbis incorporates paragraphs 1 through 14 above, as though fully  
25 set forth herein.

1           16. Corbis holds valid and exclusive registered copyrights to the images that are  
2 the subject of this action and that are evidenced by the copyright registration certificates  
3 referenced by Exhibit B.

4           17. Defendant reproduced, distributed and displayed those images without Corbis'  
5 authorization.

6           18. The actions and conduct by Defendant as described above infringe upon  
7 Corbis' exclusive rights granted under 17 U.S.C. § 106 to display, reproduce and distribute  
8 the registered copyrighted works to the public.

9           19. Such actions and conduct constitute copyright infringement under the  
10 Copyright Act of 1976, 17 U.S.C. § 501.

11           20. As a result of the copyright infringement described above, plaintiff Corbis is  
12 entitled to relief including, but not limited to, injunctive relief, actual or statutory damages,  
13 statutory costs and attorneys' fees, and prejudgment interest.

14                   **SECOND CAUSE OF ACTION - DMCA CLAIM**

15           21. Plaintiffs incorporate paragraphs 1 through 20 above as fully set forth herein.

16           22. All of the images that are the subject of this lawsuit were displayed on the  
17 www.corbis.com website with corresponding copyright management information (CMI).  
18 Upon information and belief, when defendant Parkcrest Dental Group duplicated and  
19 displayed the subject images on its www.parkcrestdental.com website it removed the CMI  
20 from the Corbis images.

21           23. Such action, as described above, constitutes a violation of the Digital  
22 Millenium Copyright Act, 17 U.S.C. § 1202(b).

23           24. As a result of the conduct described above, plaintiff is entitled to relief  
24 including, but not limited to, injunctive relief, actual or statutory damages, statutory costs and  
25 attorneys' fees, and prejudgment interest.

**PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff Corbis prays for the following relief:

1. On the First Cause of Action, for an award of defendant's profits and for damages in such amount as may be found, or for statutory damages of not less than \$750 or more than \$30,000 per image pursuant to 17 U.S.C. § 504(c)(1). Alternatively, for an award of up to \$150,000 upon a finding of willful infringement pursuant to 17 U.S.C. § 504(c)(2). And for an order permanently enjoining defendant from infringing plaintiff's copyrighted images pursuant to 17 U.S.C. § 502 and for an award of costs and attorneys fees pursuant to 17 U.S.C. § 505;

2. On the Second Cause of Action, for an award of damages in such amount as may be found, or alternatively statutory damages of up to \$25,000 pursuant to 17 U.S.C. §§ 1202 and 1203; and for an order permanently enjoining defendant from displaying Corbis' copyrighted images pursuant to 17 U.S.C. §§ 1203(b);

3. For prejudgment interest on the amount of the award to plaintiff; and

4. And for such other and further relief as the Court deems just and proper.

DATED: August 19, 2005.

LANE POWELL PC

By 

Dan J. Donlan, WSBA No. 25374  
Attorneys for Plaintiff  
Corbis Corporation

# ***EXHIBIT A***





PE-161-0132 | © Michael Keller/CORBIS | RM

IMAGE URL <http://www.parkcrestdental.com/graphics/promisebanner.gif>

Page URL <http://www.parkcrestdental.com/ourpromise.htm>

Internet Explorer provided by Excite Corporation

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites Home

Address <http://www.parkcrestdental.com/ourpromise.htm>

Display Webmaster Not Detected Options Help

Google Search was... Indexed Favicon Options

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*Our Promise*  
*To satisfy you in every way we can.*

**WELCOME** **OUR PROMISE** **TESTIMONIALS** **MAP** **ABOUT US** **CONTACT US**

The dentists and staff of Parkcrest Dental Group pledge that we will:

- Always work on the leading edge of dentistry.
- Provide excellent patient care.
- Satisfy you in every way.
- Lead our field in oral hygiene and early detection and treatment of gum disease.
- Offer you effective medicines that relieve discomfort during and after treatments.

www.parkcrestdental.com • 417.887.1220 • 800.799.0112 • Fax: 417.987.0967  
 690 West Ladelle Springfield, MO 65807  
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PE-125-0516 | © Norbert Schaefer/CORBIS | RM

IMAGE URL <http://www.parkcrestdental.com/graphics/paymentbanner.gif>

Page URL <http://www.parkcrestdental.com/payment.htm>

Payment Services - Small Internet Explorer provided by the United States Government

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Address <http://www.parkcrestdental.com/payment.htm> Go Links

Options - Help

Google Search Web

*The Best Investment*  
you can make in your overall health is dental care.

WELCOME

OUR DENTISTS

CONTACT US

EMERGENCY

TESTIMONIALS

MAP

FINANCIAL OFFERING

PRIVACY POLICY

Any co pay not covered by insurance is due at the time of service. We are happy to file both primary and secondary insurance forms for you and your family at no cost. You may make balance payments in cash or by check. We also accept Visa, Mastercard and Discover cards.

Don't let worry about payment make you delay needed dental care. We will help you fill out an application in our office for Wells Fargo Financing services, which may cover up to \$5,000 in dental fees.

We can also dial the Dental Fee Plan from our office so you can talk with them about financing up to \$15,000 in dental fees.

parkcrestdental.com • 410.661.1229 • 800.769.0312 Fax 410.661.0357  
600 West Lantana, Springfield, MD 20687  
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Internet



PE-039-0296 | © Ariel Skelley/CORBIS | RM

IMAGE URL <http://www.parkcrestdental.com/graphics/oralhealthbanner.gif>

Page URL <http://www.parkcrestdental.com/yourdental.htm>

Internet Explorer - Microsoft Internet Explorer (http://www.parkcrestdental.com/yourdental.htm)

File Edit View Favorites Tools Help

Address <http://www.parkcrestdental.com/yourdental.htm> Go Links

Options Watermarks Not Detected Options Help

Google Search Web Search Web Search Web Search Web

**Park Crest Dental**  
*Yardwork is. Everyone at Park Crest Dental  
 Loves it. It's all in your control and well-being.*

**WELCOME/EMP** **EMERGENCIES** **YOUR PROMISE** **YOUR SMILE** **TESTIMONIALS** **MAP** **PAYMENT OPTIONS** **PRIVACY POLICY**

Click on your area of concern below or use the jump menu to the right:

**EMERGENCY CARE**  
Anesthesia sedation  
Athletic protection  
Bad breath  
Bleeding or soft gums  
Cavities/decay  
Checkups/maintenance  
Childhood care  
Cosmetic Dentures/Veneers  
Dark or discolored teeth  
Whitening  
Diet/nutrition  
Fillings  
Grinding teeth  
How well I look?  
Missing or damaged teeth  
Implants  
Relaxation

Internet



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IMAGE URL <http://www.parkcrestdental.com/graphics/lovebanner.gif>

Page URL <http://www.parkcrestdental.com/aboutus.htm>

Address: http://www.parkcrestdental.com/aboutus.htm

Google: Search

**Parkcrest Dental Group**  
is the largest multi-specialty dental group in Southern Illinois

**WELCOME**

**TESTIMONIALS**

**OUR PROMISE**

**YOUR SMILE**

**PAYMENT OPTIONS**

**PRIVACY POLICY**

Parkcrest Dental Group led the way with the area's first multispecialty group in 1974. From our first day in practice we have provided the highest quality, affordable care for the entire family.

Our practice has grown steadily because our patients send their friends to us. We appreciate your referrals and give every patient our best care.

We offer the latest in equipment and procedure to improve your mouth and health. However, our greatest asset is our friendly and caring team of professionals.

**CONTACT US**

[www.parkcrestdental.com](http://www.parkcrestdental.com) 417.887.4200 • 800.796.0112 • Fax 417.887.0381  
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**Love Your Smile**  
To love your smile, you'll be amazed how much more you enjoy life with healthy, beautiful teeth.

**TESTIMONIALS** **OUR PROMISE** **YOUR SMILE**

**WELL-BEING** **TESTIMONIALS** **OUR PROMISE** **YOUR SMILE** **PAYMENT OPTIONS** **PRIVACY POLICY**

**OUR PROMISE**  
You usually deny yourself for the sake of others. But when it comes to your teeth, you really need to take care of yourself. With healthy teeth not only can you eat better, you'll feel more relaxed and confident around other people. Besides, the condition of your teeth directly affects your overall health.

**YOUR SMILE**  
Proper dental care is one of the best investments you can make in your overall health and well-being. You'll be glad you put your money where your mouth is!

**PAYMENT OPTIONS**

**PRIVACY POLICY**

**CONTACT US**

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Display: Webmaster: King Global Ltd. Options - Web -

Google Search Web -

*To love your smile. You'll be amazed how much more you enjoy life with healthy, beautiful teeth.*

**WELCOME** **EMERGENCIES** **OUR PROMISE** **YOUR SMILE** **TESTIMONIALS** **MAP** **PAYMENT OPTIONS** **PRIVACY POLICY**

**OUR PROMISE** You usually deny yourself for the sake of others. But when it comes to your teeth, you really need to take care of yourself. With healthy teeth not only can you eat better, you'll feel more relaxed and confident around other people. Besides, the condition of your teeth directly affects your overall health.

**OUR NEEDS** Proper dental care is one of the best investments you can make in your overall health and well-being. You'll be glad you put your money where your mouth is!

**ABOUT US**

**CONTACT US**

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IMAGE URL <http://www.parkcrestdental.com/graphics/dentistsbanner.gif>Page URL <http://www.parkcrestdental.com/ourdentists.htm>

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Address <http://www.parkcrestdental.com/ourdentists.htm>

Dynamic Watermarking Disabled Options Help

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**Our Dentists**  
provide total dental care for your entire family.

**Park Crest**

OUR DENTISTS  
EMERGENCIES  
TESTIMONIALS  
OUR SPECIALTY  
MAP  
LOVE YOUR SMILE  
PAYMENT OPTIONS  
PRIVACY POLICY

**General Dentistry**  
Dr. Adams  
Dr. Bright  
Dr. Fanning  
Dr. Hall  
Dr. Kestin  
Dr. Rook  
Dr. Seaman  
Dr. Thompson  
**Pediatric Dentistry**  
Dr. Rook  
Dr. Seaman  
Dr. Thompson

**Robert J. Adams, D.D.S.**  
**Robert H. Bright, D.D.S.**  
**Daniel S. Fanning, R.P.H., D.D.S.**

**F. Stanley Hall, D.D.S.**  
**Steven D. Kestin, D.D.S., M.S.**  
**Daniel R. Kestin, D.D.S.**

**Dr. C. Seaman, D.D.S.**  
**Cherie S. Rook, D.D.S.**  
**Stuart W. Scott, D.D.S.**  
**Edna G. Thompson, D.D.S.**

Click on the pictures to learn more about us.

Done



PE-121-0247 | © Michael Keller/CORBIS | RM

IMAGE URL <http://www.parkcrestdental.com/graphics/testimonialbanner.gif>

Page URL <http://www.parkcrestdental.com/testimonials.htm>

Internet Explorer 5.0 (http://www.parkcrestdental.com/testimonials.htm)

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Back Forward Stop Home Search Favorites Home

Address <http://www.parkcrestdental.com/testimonials.htm>

Display: Web browser: Netscape 4.08b2

Google: Search Web

**Testimonials**  
Our patients are our friends. Read what they say about our dental care.

**WELCOME** | **EMERGENCY** | **OUR PROMISE** | **YOUR DENTAL** | **TESTIMONIALS** | **MAP** | **PAYMENT OPTIONS** | **PRIVACY POLICY**

**Eric**  
Having this work done is probably the best thing that has happened to me. It feels so good to have people tell you what a *great* smile you have.

**Before**  
(Please mouse over Eric's photo to see his *After* photo)

**Tim**  
"Television is a very cut throat business. Something as simple as a great smile can separate you from the rest. Thanks to Dr. Stan Hall I now have that smile!"





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IMAGE URL <http://www.parkcrestdental.com/graphics/testimonialbanner.gif>

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Address: <http://www.parkcrestdental.com/love.htm>

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**Your Choice**  
To love your teeth, you'll be amazed how much more you enjoy life with healthy, beautiful teeth.

**Testimonial**

**AMPI, DENTIST**  
**TESTIMONIALS**

**YOU USUALLY DENY YOURSELF FOR THE SAKE OF OTHERS. BUT WHEN IT COMES TO YOUR TEETH, YOU REALLY NEED TO TAKE CARE OF YOURSELF. WITH HEALTHY TEETH NOT ONLY CAN YOU EAT BETTER, YOU'LL FEEL MORE RELAXED AND CONFIDENT AROUND OTHER PEOPLE. BESIDES, THE CONDITION OF YOUR TEETH DIRECTLY AFFECTS YOUR OVERALL HEALTH.**

**PROPER DENTAL CARE IS ONE OF THE BEST INVESTMENTS YOU CAN MAKE IN YOUR OVERALL HEALTH AND WELL-BEING. YOU'LL BE GLAD YOU PUT YOUR MONEY WHERE YOUR MOUTH IS!**

**CONTACT US**

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Address <http://www.parkcrestdental.com/officehours.htm>

Options - Help

Google Search Web

The Operator will page in day or night if you have an emergency

WELCOME

OUR DENTISTS

ABOUT US

CONTACT US

OFFICE HOURS

TESTIMONIALS

OUR PROGRAMS

YOUR SMILE

PAYMENT OPTIONS

PRIVACY POLICY

For emergencies, we have a doctor on call 24 hours a day, seven days a week.

Call 417-607-1220 or 800-796-0112

Monday 8am-5pm

Tuesday 8am-5pm

Wednesday 8am-5pm

Thursday 8am-5pm

Friday 8am-5pm

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*You love your smile. You'll be amazed how much more you enjoy life with healthy, beautiful teeth.*

**WELCOME**

**OUR DENTIST**

**ABOUT US**

**CONTACT US**

**OUR PROMISE**

**MAP**

**LOVE YOUR SMILE**

**PAYMENT OPTIONS**

**PRIVACY POLICY**

You usually deny yourself for the sake of others. But when it comes to your teeth, you really need to take care of yourself. With healthy teeth not only can you eat better, you'll feel more relaxed and confident around other people. Besides, the condition of your teeth directly affects your overall health.

Proper dental care is one of the best investments you can make in your overall health and well-being. You'll be glad you put your money where your mouth is!

WALK & SMILE AESTHETICALLY - 417.887.1220 - 800.795.0112 - Fax: 417.887.0269  
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**Your Dream**  
*To love your smile. You'll be amazed how much more you enjoy life with healthy, beautiful teeth.*

**WELCOME** **OUR DENTAL SERVICES** **TESTIMONIALS** **OUR DENTISTS** **ABOUT US** **CONTACT US**

**OUR DENTAL SERVICES**  
 You usually deny yourself for the sake of others. But when it comes to your teeth, you really need to take care of yourself. With healthy teeth not only can you eat better, you'll feel more relaxed and confident around other people. Besides, the condition of your teeth directly affects your overall health.

**OUR DENTISTS**  
 Proper dental care is one of the best investments you can make in your overall health and well-being. You'll be glad you put your money where your mouth is!

**CONTACT US**

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1 LOVE Your Smile. The world's finest dentists presented by Corbis Corp. com

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*Love your smile. You'll be amazed how much more you enjoy life with healthy, beautiful teeth.*

**MY LIFEWIDE** **EMERGENCIES** **OUR OFFICE** **LOVE YOUR SMILE** **TESTIMONIALS** **ABOUT US** **CONTACT US**

**OUR OFFICE**

You usually deny yourself for the sake of others. But when it comes to your teeth, you really need to take care of yourself. With healthy teeth not only can you eat better, you'll feel more relaxed and confident around other people. Besides, the condition of your teeth directly affects your overall health.

Proper dental care is one of the best investments you can make in your overall health and well-being. You'll be glad you put your money where your mouth is!

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Internet

***EXHIBIT B***

Company Name	Matter ID
Parkcrest Dental Group	14-0627

Corbis ID	Certificate Number	Copyright Date
PE-124-0231	VA 1-145-485	8/15/2002
PE-161-0132	VA 1-145-485	8/15/2002
PE-125-0516	VA 1-145-485	8/15/2002
PE-039-0296	VA 1-145-485	8/15/2002
PE-343-0120	VA 1-145-485	8/15/2002
PE-117-0189	VA 1-145-485	8/15/2002
PE-121-0247	VA 1-145-485	8/15/2002
CO-054-0143	VA 1-145-485	8/15/2002